

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY FULLER,

Plaintiff,

Case No. 1:16-cv-475

v.

HON. ROBERT J. JONKER

SHELL POINT MORTGAGE  
SERVICING, et al.,

Defendants.

---

**ORDER APPROVING AND ADOPTING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on September 6, 2017. (ECF No. 192). No objections have been filed under 28 U.S.C. 636(b)(1)(C).

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 192) is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Motions to Dismiss (ECF Nos. 99, 103, 115) are **GRANTED** as to Counts 6 and 14 of the Corrected Second Amended Complaint (ECF No. 86).

**IT IS FURTHER ORDERED** that Plaintiff's remaining state law claims as alleged in Counts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 15 of the Corrected Second Amended Complaint are **REMANDED** to the Allegan County Circuit Court under 28 U.S.C. § 1367(c). This remand is based on the Court's decision not to exercise supplemental jurisdiction, and not on the basis of any

improvident removal. So even though the state law claims are remanded, Plaintiff's Motion to Remand (and award costs) (ECF No. 186) is **DENIED**.

**IT IS SO ORDERED.**

Dated: September 26, 2017

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE